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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,550	04/01/2004	Lydia Chase	14622-026001	7158
26231 7590 11/26/2008 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
CHEUNG, MARY DA ZHI WANG				
ART UNIT		PAPER NUMBER		
3694				
NOTIFICATION DATE		DELIVERY MODE		
11/26/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

### Office Action Summary

**Application No.**

10/815,550

**Applicant(s)**

CHASE ET AL.

**Examiner**

MARY CHEUNG

**Art Unit**

3694

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 17-23 and 32-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 24-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the response filed on September 8, 2008. Claims 1-35 are pending. Claims 17-23 and 32-35 are withdrawn from consideration. Claims 1-16 and 24-31 are examined.

### ***Response to Arguments***

2. Applicant's arguments and affidavit filed September 8, 2008 have been fully considered but they are not persuasive.

The affidavit under 37 CFR 1.132 filed September 8, 2008 is insufficient to overcome the rejection of claims 1-13, 15-16 and 24-30 based upon 35 U.S.C. 102(b) as set forth in the last Office action because:

- a) the applicant did not provide corroborating evidence to show "January 20, 2003" is misdated for the HomeTracker manual;
- b) the applicant stated the HomeTracker manual was not released to the public until April 1, 2003. However, in the front page of the manual, it printed "...for any purpose other than training for authorized users...". It is not clear who is the authorized users.

In response to the applicant's traversal of the Official Notice, the examiner has provided Reference Tom (U S 5,696,907) to support her position.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-13, 15-16 and 24-30 are rejected under 35 U.S.C. 102(b) as being anticipated by HomeTracker Lender Center (Workflow Training Manual, January 20, 2003) (hereinafter referred as HomeTracker).

As to claim 1, HomeTracker teaches a method for submitting requests for approval relating to management of real property, the method comprising (page 4 section "Introduction" and page 15 section "Submitting Request"):

- presenting, on a user interface, a form for receiving data from a user, with the data relating to at least one request that further relates to management of real property (pictures in pages 11, 13-14);
- receiving an indication of at least one request for approval, with the indication received through a user interaction with the form presented on the user interface (section "Submitting Request" and the picture in page 15);
- identifying, for each request, at least one type of data item to be provided by the user, wherein the at least one type of data item identified for each request is based on a type associated with the request (page 12 section "Creating a P&P Request"; and pictures in pages 11, 13); and
- displaying, on the form, an indication of the at least one type of data item for each request (page 12 section "Creating a P&P Request"; and pictures in pages 11, 13).

As to claim 2, HomeTracker teaches each request for approval comprises a request for approval to perform a service and the type associated with the request comprises an identity of the service (page 12 section "Creating a P&P Request"; and pictures in pages 11, 13).

As to claim 3, HomeTracker teaches the user interaction with the form presented on the user interface comprises a user selection of at least one service from a menu of possible services (page 12 section "Creating a P&P Request"; and picture in page 13).

As to claim 4, HomeTracker teaches the menu comprises a pull-down menu (page 12 section "Creating a P&P Request"; and picture in page 13).

As to claim 5, HomeTracker teaches the services in the menu of possible services are customizable in accordance with requirements of an owner of the real property (page 7 and page 12 section "Creating a P&P Request"; and picture in page 13).

As to claim 6, HomeTracker teaches the services relate to preservation and protection of the real property (page 4 section "Introduction").

As to claim 7, HomeTracker teaches the preservation and protection of the real property relate to a conveyance of the real property to a receiving entity different from a managing entity that manages the preservation and protection (page 4 section "Introduction" and page 10 section "Enter Case into Property Summary").

As to claim 8, HomeTracker teaches the approval relates to a reimbursement of costs associated with the services, with the reimbursement provided by the receiving entity to the managing entity (entire pages 12-13).

As to claim 9, HomeTracker teaches the at least one type of data item is selected from a predefined set of data item types identified on the form (page 12 section "Creating a P&P Request"; and picture in page 13).

As to claim 10, HomeTracker teaches the form includes, for each service, a data entry field for each type of data item in the predefined set of data item types and the indication of the at least one type of data item for each service comprises an indication of the data entry fields to be completed by the user (page 12 section "Creating a P&P Request"; and picture in page 13).

As to claim 11, HomeTracker teaches the predefined set of data item types include at least one of a quantity, a size, an explanation, or a cost (page 12 section "Creating a P&P Request"; and picture in page 13).

As to claim 12, HomeTracker teaches the predefined set of data items are customizable in accordance with requirements of an owner of the real property (page 7 and page 12 section "Creating a P&P Request"; and picture in page 13).

As to claim 13, HomeTracker teaches the indication of the at least one type of data item includes an indication that the user is to provide a specified number of bids for the service, further comprising: allowing a submission of the form with less than the specified number of bids for the service; and allowing the user to subsequently retrieve the form and provide at least one additional bid (pages 12-13).

As to claim 15, HomeTracker teaches each request for approval comprises a request for an extension to a deadline (pages 16-17).

As to claim 16, HomeTracker teaches the at least one type of data item is selected from a predefined set of data item types identified on the form and the predefined set of data item types includes at least one of a date and an explanation (pictures in pages 13-14, 19).

Claims 24-30 are rejected for the same rationales as claims 1-2, 6, 9-10, 13 and 15.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over HomeTracker in view of Official Notice evidenced by Tom (US 5,696,907).

As to claims 14 and 31, HomeTracker teaches approving or denying each request (page 15 section "Submitting Requests"). HomeTracker does not specifically teach comparing each request with data relating to approval guidelines and automatically determining whether the request should be approved based on the comparison. Examiner takes Official Notice that it is well known in the art in real estate related business that the request approvals require to follow certain guidelines and automatically approving or rejecting the request based on the guidelines (i.e. mortgage approvals). For example, Tom teaches credit approval according to certain guidelines (column 2 line 47 – column 3 line 9 and column 7 lines 11-23). Thus, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to allow the approval or denial process in HomeTracker's teaching to include the feature of following certain guidelines for automatically approval or rejecting the request for better compliant with regulations.

***37 CFR 1.105 – Requirement for More Information***

7. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The applicant's affidavit has indicated there is an earlier version of the HomeTracker manual. It is believed that this information is relevant to this examination.

***Conclusion***

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone numbers for the organization where this application or proceedings is assigned are as follows:

- |                |  |
|----------------|--|
| (571) 273-8300 | (Official Communications; including After Final Communications labeled "BOX AF") |
| (571) 273-6705 | (Draft Communications)   |

/Mary Cheung/  
Primary Examiner, Art Unit 3694  
November 20, 2008